THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 14996 of 1999

Between:

K.A.Rawood, s/o. K.A.Dada Saheb,
Retired Post Master, 7/3526, Srinivasanagar,
Proddatur, Cuddapah district

…Petitioner

and

1)The Chief Post Master General,
Abids, Hyderabad & another

…
Respondents

ORDER:

To declare the action of the second respondent in refusing to entertain medical reimbursement bill of the petitioner dated 04.12.1998 for Rs. 41,144/- by proceedings dated 02.06.1999.

The brief facts are that the petitioner is a retired Post Master. As he underwent treatment, including operation, for heart attack, he submitted a medical bill for Rs.41,144/- for reimbursement, but the second

respondent refused to entertain the same on the ground that his pension is Rs.2,770/-. The detailed counter affidavit has been filed.

The factual matrix is not in dispute. The only contention of the second respondent is that as per the memo dated 02.06.1999, the medical reimbursement bill of the petitioner is not entertained for the reason that as per G.I.M.H. OM No.F.29-113/66-M.A., dated 20.05.1967 and OM No. S 110011/7/86-CGHS(P), dated 04.02.1987, pensioners drawing pension in excess of Rs.500/- per month can not be regarded as 'dependants'. The action of the second respondent in not entertaining the medical reimbursement bill can not be said to be contrary to the memos issued from time to time by the higher authorities. At the same time, a Mandamus can not be issued directing the respondents to act contrary to the executive instructions unless those executive instructions are challenged. Since the memos issued from time to time by the respondents have not been challenged and the order was passed in consonance with the instructions issued by the Government, issue of writ contrary to the instructions does not arise.

The Writ Petition is devoid of merits and is, accordingly, dismissed. All the remedies available to the

petitioner under Law are kept open.

21.07.2006

DRK